

1 John L. Cooper (State Bar No. 050324)
jcooper@fbm.com
2 Jeffrey M. Fisher (State Bar No. 155284)
jfisher@fbm.com
3 Helen E. Dutton (State Bar No. 235558)
hdutton@fbm.com
4 Farella Braun & Martel LLP
235 Montgomery Street, 17th Floor
5 San Francisco, CA 94104
Telephone: (415) 954-4400
6 Facsimile: (415) 954-4480

7 Attorneys for Defendants
TECHNOLOGY PROPERTIES LIMITED
8 and ALLIACENSE LIMITED

9 Charles T. Hoge, Esq. (State Bar No. 110696)
choge@knlh.com
10 Kirby Noonan Lance & Hoge
35 Tenth Avenue
11 San Diego, CA 92101
Telephone: (619) 231-8666
12 Facsimile: (619) 231-9593

13 Attorneys for Defendant
PATRIOT SCIENTIFIC CORPORATION

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 ACER, INC., ACER AMERICA
18 CORPORATION and GATEWAY, INC.,

19 Plaintiffs,

20 v.

21 TECHNOLOGY PROPERTIES LIMITED,
PATRIOT SCIENTIFIC CORPORATION, and
22 ALLIACENSE LIMITED,

23 Defendants.

Timothy P. Walker (State Bar No. 105001)
timothy.walker@klgates.com
Harold H. Davis, Jr. (State Bar No. 235552)
harold.davis@klgates.com
Kirkpatrick & Lockhart Preston Gates Ellis
LLP
55 Second St., Suite 1700
San Francisco, CA 94105
Telephone: (415) 882-8200
Facsimile: (415) 882-8220

Attorneys for Plaintiffs ACER, INC., ACER
AMERICA CORPORATION and
GATEWAY, INC.

Case No. 5:08-cv-00877 JF

**STIPULATION REGARDING
STAY OF DISCOVERY AND
DEFERRAL OF CASE
MANAGEMENT CONFERENCE
PENDING RESOLUTION OF
MOTION TO DISMISS**

24 WHEREAS, Plaintiffs Acer, Inc., Acer America Corporation, and Gateway, Inc.
25 (collectively, "Plaintiffs") filed a complaint against Defendants Technology Properties Limited
26 ("TPL"), Patriot Scientific Corporation ("Patriot"), and Alliacense Limited (collectively,
27 "Defendants") for declaratory judgment of patent noninfringement and invalidity of U.S. Letters
28

1 Patent Nos. 5,809,336 ("the '336 patent"), 5,784,584 ("the '584 patent"), 5,440,749 ("the '749
2 patent");

3 WHEREAS, Defendants TPL and Patriot filed complaints for patent infringement as to
4 these three patents and U.S. Letters Patent No. 6,598,148 ("the '148 patent") in the Eastern
5 District of Texas, Case Nos. 2-08cv-173 and 2-08cv-176 (TJW);

6 WHEREAS, Defendants filed a motion to dismiss or in the alternative to transfer the
7 action to the Eastern District of Texas, which is noticed for hearing for August 1, 2008;

8 WHEREAS, the parties' Case Management Conference is scheduled for May 30, 2008;
9 and

10 WHEREAS, the parties agree that discovery obligations should be stayed and the Case
11 Management Conference and all related obligations stemming therefrom should be deferred until
12 after this Court rules upon Defendants' motion to dismiss;

13 IT IS HEREBY STIPULATED THAT:

14 (1) Discovery is hereby stayed; and

15 (2) The May 30, 2008 Case Management Conference and all related obligations
16 stemming therefrom are hereby deferred until the Court rules upon Defendants' motion to
17 dismiss.

18 Dated: May 20, 2008

K&L GATES

19
20 By: /s/ Harold H. Davis
21 Harold H. Davis

22 Attorneys for Plaintiffs ACER, INC.,
23 ACER AMERICA CORPORATION and
24 GATEWAY, INC.

25 *[SIGNATURES CONTINUED ON NEXT PAGE]*
26
27
28

Dated: May 20, 2008

FARELLA BRAUN & MARTEL LLP

By: /s/ John L. Cooper
John L. Cooper

Attorneys for Defendants
TECHNOLOGY PROPERTIES LIMITED
and ALLIACENSE LIMITED

Dated: May 20, 2008

KIRBY NOONAN LANCE & HOGE, LLP

By: /s/ Charles T. Hoge
Charles T. Hoge

Attorneys for Defendants
PATRIOT SCIENTIFIC CORPORATION

PURSUANT TO STIPULATION IT IS SO ORDERED:

Dated: _____

The Honorable Jeremy Fogel
United States District Court Judge